

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

MARVELLOUS KEENE,	: <i>DEATH PENALTY CASE</i>
Petitioner,	: Case No. C-1-00-421
vs.	: JUDGE BECKWITH
BETTY MITCHELL, WARDEN,	: MAGISTRATE JUDGE MERZ
Respondent.	: <i>No Execution Date Scheduled</i>

**PETITIONER'S MOTION FOR EXTENSION OF TIME TO SUBMIT OBJECTIONS
TO REPORT AND RECOMMENDATIONS**

Petitioner's counsel request that the current deadline, September 27, 2004, for his objections to the Court's Report and Recommendations (Doc. 96) be extended for ten additional days, until October 7, 2004. A memorandum in support and proposed Entry are attached hereto.

MEMORANDUM IN SUPPORT OF MOTION

The objections deadline in this matter is current set for September 27, 2004. Petitioner respectfully requests an additional ten days within which to submit objections.

On August 25, 2004, this Court issued a 138-page Report and Recommendations (Doc. 96) addressing Petitioner's 19 grounds for relief. An extension of time is necessary for Petitioner to fully address and adequately preserve all issues. Undersigned counsel, John S. Marshall, is in the midst of preparing for a wrongful arrest, defamation and malicious prosecution trial, *Shnayder v. City of Columbus, et al.*, Case No. C2-03-192, which has been set for October 4, 2004 in U.S. District Court for the Southern District of Ohio, Eastern Division (J. Frost). Thus, counsel requests a brief extension of time until October 7, 2004, within which to file objections.

During a telephone conversation with Assistant Attorney General Wille on September 21, 2004, Mr. Wille stated that he would not file any objection to this Motion.

Petitioner's counsel respectfully request that this Court grant a reasonable additional extension of ten days, until October 7, 2004, to file objections.

Respectfully submitted,

/s/ John S. Marshall

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served upon Charles L. Wille,, Assistant Attorney General, Ohio Attorney General Betty D. Montgomery, Capital Crimes Section, 30 East Broad Street, 23rd Floor, Columbus, Ohio 43215-3428, cwille@ag.state.oh.us by ECF this 21st day of September 2004.

/s/ John S. Marshall

John S. Marshall

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